

N THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

**JESSIE BROWN, CARLOS BROWN,
and VICTOR GARCIA, Each Individually
and on Behalf of All Others
Similarly Situated**

VS.

FRAC SPYDER, LLC

www.ck12.org

NO: 7:23-cv-182-DC-RCG

JOINT SCHEDULING RECOMMENDATIONS

In accordance with the Court's February 26, 2024, Order, the parties recommend that the following deadlines be entered in the scheduling order to control the course of this case:

1. A report on alternative dispute resolution in compliance with Rule CV-88 shall be filed by 60 days before the date of the trial setting, which will be set by separate order.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by June 14, 2024, and each opposing party shall respond, in writing, by June 28, 2024.
3. The parties shall file all motions to amend or supplement pleadings or to join additional parties by July 15, 2024.
4. All parties asserting claims for relief shall file their designation of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all parties, but not file the materials required by Fed. R. Civ. P. 26(a)(2)(B) by August 13, 2024. Parties resisting claims for relief shall file their designation of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all parties, but not file the materials required by Fed. R. Civ. P. 26(a)(2)(B) by September 12, 2024. All designations of rebuttal experts shall be filed within 14 days of receipt of the report of the opposing expert.
5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the

basis for the objection and identifying the objectionable testimony, within 30 days of receipt of the written report of the expert's proposed testimony, or within 30 days of the expert's deposition, if a deposition is taken, whichever is later.

6. If Plaintiffs do not proceed collectively or if certification is not approved, the parties shall complete all discovery on or before November 11, 2024. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

If certification is approved, opt-ins and related discovery thereon must be completed by on or before six months after the decision on Certification. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

8. All Dispositive motions shall be filed by December 11, 2024, if Plaintiffs proceed on an individual basis or 30 days after the close of discovery if certification is approved. Dispositive motions as defined in Local Rule CV-7(c) and responses to dispositive motions shall be limited to (20) pages in length.

9. The Court will set the case for trial by separate order. The order will establish trial type deadlines to include pretrial matters pursuant to Local Rule CV-16(e)-(g).

10. All of the parties who have appeared in the action conferred concerning the contents of the proposed scheduling order on April 15, 2024, and the parties have agreed as to its contents.

Respectfully submitted,

**JESSIE BROWN, CARLOS BROWN,
and VICTOR GARCIA, PLAINTIFFS**

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CERTIFICATE OF SERVICE

I, Sean Short, do hereby certify that on the date imprinted by the CM/ECF system, a true and correct copy of the foregoing document was filed via the CM/ECF system, which will provide notice to the attorneys named below:

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